

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIC BENEDICT,
Plaintiff,

v.

HEWLETT-PACKARD COMPANY,
Defendant.

Case No. [13-cv-00119-BLF](#)

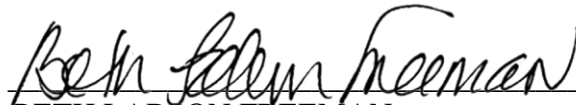
**ORDER RE STIPULATION
REGARDING MODIFIED SCHEDULE
FOR BRIEFING ON MOTION TO
DECERTIFY FLSA COLLECTIVE
ACTION**

[Re: ECF 410]

The parties have stipulated that “Plaintiffs and Defendant will be able to use testimony obtained through the deposition of Ms. Holiday in support of their Opposition/Reply briefs, respectively.” Because the parties’ stipulation allows for the presence of new materials and possibly new arguments to appear in the Reply, the Court CONSTRUES the stipulation as a waiver of any objections to reply evidence, *see* Civ. L.R. 7-3(d), or any request to file a Sur-Reply on the basis of new evidence or argument appearing in the Reply. With that in mind, the Court APPROVES the agreed briefing schedule.

IT IS SO ORDERED.

Dated: May 13, 2016


BETH LABSON FREEMAN
United States District Judge